

APS-25

October 20, 2005

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

**C.A. No. 05-3346**

UNITED STATES OF AMERICA

v.

LEROY COLEY

(D. Dela. 99-cr-00033)

(Criminal treated as civil)

Present: SLOVITER, MCKEE AND FISHER , CIRCUIT JUDGES

Submitted are:

- (1) Appellant's request for a certificate of appealability under 28 U.S.C. § 2253(c)(1); and
- (2) Government's Response to Application for a Certificate of Appealability, in the above-captioned case.

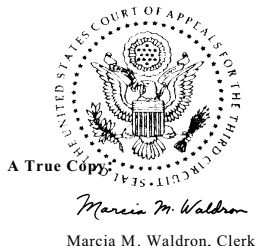
Respectfully,

MMW/CAD/dmm

Clerk

ORDER

The foregoing request for a certificate of appealability is denied. Jurists of reason would not differ as to the propriety of the District Court's ruling that Coley's motion to "supplement" his § 2255 motion was moot, and that he could not bring a generalized motion for reduction of sentence pursuant to § 3582(c). As the District Court correctly found, Coley's Rule 60(b) motions amounted to unauthorized successive section 2255 motions, Pridgen v. Shannon, 380 F.3d 721 (3d Cir. 2004), which the District Court lacked jurisdiction to address, Robinson v. Johnson, 313 F.3d 128 (3d Cir. 2002).



By the Court,

/s/ Dolores K. Sloviter  
Circuit Judge

Dated: November 8, 2005

DMM/cc: Mr. Leroy Coley, Esq.

Richard G. Andrews, Esq.